IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 24653 of 2004

Dated 8th September, 2006

Between

New India Institute of Computer Science,
Gollapally village, Chevella Mandal,
Ranga Reddy Disti, rep. By its Chairman
Dr.S.Askari Hasan

.....Petitioner

and

The Government of Andhra Pradesh,
Rep. By its Principal Secretary,
Technical Education, Secretariat, Hyderabad and ors.

....Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 24653 of 2004

ORDER:

When WPMP is listed for hearing, at the request of learned Counsel appearing on their side, the Writ Petition is taken up for final hearing and is being disposed of by this order.

The petitioner, an institute of computer science, which is having intake capacity of 30 students, during the academic year 2004-2005, admitted students to MCA course. It is stated that only six candidates were allotted by the Convener and some more candidates were filled by the Management. When the list was sent

for approval, the respondent-University rejected the same by impugned order on the ground that the list was to be sent on or before 16-10-2004.

When the students were not allowed to write examinations on the ground that the list of candidates was sent on 19-11-2004, this Court, at the stage of admission, granted interim order, directing the respondents to allow the students to write examinations. It is stated that pursuant to the said direction, all the students were allowed to write examinations and results were also announced and they are now in the final year.

In the judgment dated 4-7-2002 passed in Writ Petition Nos. 6053 and 7207 of 2002, this Court has held that after allotment of candidates by the competent authority, if some vacancies remain unfilled after cut-off date, the management is entitle to admit students and their names are entitle to be included in the list of admitted candidates. It is also submitted by the learned Counsel Sri M.S.Prasad that the judgment of the learned single judge was confirmed in the appeal filed by the respondent-University.

In view of the judgment of this Court dated 4-7-2002 in Writ Petition Nos. 6053 and 7207 of 2002 and the fact that students of MCA course, who have joined the petitioner college during the academic year 2004-2005, have completed two years, the order under challenge dated 19-11-2004 is set aside. The Writ Petition is allowed as prayed for and the respondents are directed to allow the students to complete their course and announce result of their examinations. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 08-09-2006.
Msnr.

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